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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,829	10/19/2001	Brian N. Tufte		2577

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EXAMINER

BORISOV, IGOR N

ART UNIT PAPER NUMBER

3629

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,829

Applicant(s)

TUFTE, BRIAN N.

Examiner

Igor Borissov

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-28 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klasky et al. (US 2002/0038225) in view of Kaneko et al. (US 5,930,763) and further in view of Robbins (US 2003/0182265).**

Klasky et al. (hereinafter Klasky) teaches a method and system for matching donations, comprising:

**As per claims 1, 20, 24, 25, 30 and 32.** Receiving either directly or indirectly a donation from a contributor [0011]; tracking the donation campaign online [0013].

Klasky does not teach assigning the donation to a delivery lot; and that tracking the donation campaign includes providing the location of the delivery lot at one or more points in time.

Kaneko et al. (hereinafter Kaneko) teaches method and system for order amount calculation, wherein ordered goods are processed, and wherein said processing appears to include assigning the ordered goods to a delivery lot (column 2, lines 46-48).

Robbins teach a method and system for delivery tracking system, wherein a shipper of a package is able to track the delivery of the package via the Internet at one or more points in time [0020]; [0027].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Klasky to include assigning the donation to a delivery lot, as taught by Kaneko, because it would allow to arrange shipment of goods ordered in most cost-effective way by planning the adequate transportation means matching the size and weight of a particular delivery lot.

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And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Klasky and Kaneko to include obtaining the location of each donation at one or more points in time, as taught by Robbins, because it would allow to retrace the delivery ~~foot~~<sup>route</sup> in case the package of the goods ordered is lost, thereby increasing the reliability of the system.

**As per claims 2, 6-7, 12 and 31**, Klasky teaches said method and system, wherein the receiving step includes receiving information related to the donation via the Internet [0010].

**As per claims 3-5**, Klasky teaches said method and system, wherein the information includes a contributor's name, a contributor's payment information and a donation preference [0024]-[0031].

**As per claims 8-10**, Price teaches said method and system, wherein a person makes a donation [0010]. Information as to the content of the donation is non-functional language and given no patentable weight. Non-functional descriptive material cannot render non-obvious an invention that would otherwise have been obvious. See: *In re Gulack* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) *In re Dembiczak* 175 F.3d 994, 1000, 50 USPQ2d 1614, 1618 (Fed. Cir. 1999).

**As per claims 11 and 13-14**, Robbins teaches said method and system, wherein the location of the delivery lot is automatically provided to the contributor at the one or more points in time [0024]; [0036].

**As per claims 15-16 and 17-18**, Kaneko teaches assigning the ordered goods to a delivery lot (column 2, lines 46-48). Information as to the content of the delivery lot is non-functional language and given no patentable weight. Non-functional descriptive material cannot render non-obvious an invention that would otherwise have been obvious. See: *In re Gulack* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) *In re Dembiczak* 175 F.3d 994, 1000, 50 USPQ2d 1614, 1618 (Fed. Cir. 1999).

**As per claims 19 and 23**, Robbins teaches said method and system, wherein the obtaining step includes obtaining the location of each delivery lot at two or more points in time, each corresponding to a different location [0024]; [0036].

**As per claims 21 and 22**, Klasky teaches said method and system, wherein donation is made by processing a credit card transaction, thereby indicating providing a unique ID (invoice) of the transaction [0044].

**As per claims 26**, Klasky teaches said method and system, wherein the contributor is a person [0022].

**As per claims 27-28**, Klasky teaches said method and system, wherein the contributor is a person [0022]. Information as to whether contributors include organizations is non-functional language and given no patentable weight. Non-functional descriptive material cannot render non-obvious an invention that would otherwise have been obvious. *See: In re Gulack 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) In re Dembiczak 175 F.3d 994, 1000, 50 USPQ2d 1614, 1618 (Fed. Cir. 1999).*

**Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klasky, Kaneko and Robbins in view of O'Donnell et al. (US 2002/0013739).**

**As per claim 29**, Klasky, Kaneko and Robbins teach said method and system, wherein communication via the Internet is provided (Klasky, [0010]).

However, Klasky, Kaneko and Robbins do not specifically teach that communication via the Internet includes providing a chat room.

O'Donnell et al. (hereinafter O'Donnell) teaches a method and system for shipping services which is utilized for making donations, wherein chat rooms are provided [0146].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Klasky, Kaneko and Robbins to include providing chat rooms, because it would promote said donations by allowing involved participants to communicate in real time.

### ***Response to Arguments***

Applicant's arguments filed 7/22/04 have been fully considered but they are not persuasive.

In response to applicant's argument that Kaneko and Robbins are non-analogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Klasky relates to online tracking of financial and goods delivery related information; Kaneko relates to online monitoring of goods delivery-related information; and Robbins relates to online tracking of goods-delivery information.

Klasky would benefit from Kaneko by providing ability to arrange shipment of goods ordered in most cost-effective way by planning the adequate transportation means matching the size and weight of a particular delivery lot. And Klasky in view of Kaneko would benefit from Robbins by allowing to retrace the delivery root in case the package of the goods ordered is lost, thereby increasing the reliability of the system.

In response to applicant's argument that the prior art does not teach *providing the location of the delivery lot to the contributor*, it is noted that Robbins was applied to show tracking by the contributor (shipper) the delivery of the package via the Internet at one or more points in time [0020]; [0027], which obviously indicates *providing the location of the delivery lot*.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

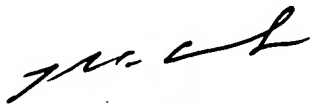
or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

IB

10/07/2004

  
JOHN G. WEISS  
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